

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 131

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-17, AS AMENDED BY P.L.159-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) "Board", except as provided in subsections (b) through ~~(h)~~; **(g)**, refers to:

- (1) the air pollution control board;
- (2) the water pollution control board; or
- (3) the solid waste management board.

(b) "Board", for purposes of IC 13-17, refers to the air pollution control board.

(c) "Board", for purposes of IC 13-18, refers to the water pollution control board.

(d) "Board", for purposes of:

- (1) IC 13-19;
- (2) IC 13-20;
- (3) IC 13-22;
- (4) IC 13-23, except IC 13-23-11;
- (5) IC 13-24; and
- (6) IC 13-25;

refers to the solid waste management board.

(e) "Board", for purposes of IC 13-21, refers to the board of directors of a solid waste management district.

(f) "Board", for purposes of IC 13-23-11, refers to the underground

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storage tank financial assurance board.

(g) "Board", for purposes of IC 13-26, refers to the board of trustees of a regional water, sewage, or solid waste district.

~~(h) "Board", for purposes of IC 13-27 and IC 13-27.5, refers to the clean manufacturing technology board.~~

SECTION 2. IC 13-11-2-27.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 27.6. (a) "Clean manufacturing", for purposes of IC 13-12 **and** IC 13-27, ~~and IC 13-27.5~~, means the employment by a manufacturer of a practice that:

- (1) reduces the manufacturing use of toxic materials; or
- (2) reduces the environmental and health hazards associated with an environmental waste without diluting or concentrating the waste before the:

- (A) recycling;
- (B) release;
- (C) handling;
- (D) storage;
- (E) transport;
- (F) treatment; or
- (G) disposal;

of the waste.

(b) The term includes changes in production technology, materials, processes, operations, or procedures.

(c) The term does not include the following:

- (1) A practice that is applied to an environmental waste after the waste:

- (A) is generated or comes into existence; or
- (B) exits a production unit or operation.

- (2) Waste burning in:

- (A) industrial furnaces;
- (B) boilers;
- (C) smelters; or
- (D) cement kilns;

for purposes of energy recovery.

- (3) Waste shifting.

- (4) Offsite recycling.

- (5) Onsite recycling, including the following:

- (A) Inprocess recycling.
- (B) Inline recycling.
- (C) Out-of-process recycling.
- (D) Closed loop recycling.

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- (E) Any other onsite recycling method.
- (6) Any other method of end-of-pipe management of environmental wastes, including the following:
 - (A) Waste exchange.
 - (B) The incorporation or embedding of regulated environmental wastes into products or byproducts.

SECTION 3. IC 13-11-2-54 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 54. "Director", for purposes of IC 13-27.5, refers to the director of the Indiana clean manufacturing technology and safe materials institute.

SECTION 4. IC 13-11-2-72 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 72. "Environmental wastes", for purposes of IC 13-27, and IC 13-27.5, means all environmental pollutants, wastes, discharges, and emissions, regardless of:

- (1) whether or how they are regulated; and
- (2) whether they are released to the general environment or the workplace environment.

SECTION 5. IC 13-11-2-110 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 110. "Institute", for purposes of IC 13-27 and IC 13-27.5, refers to the Indiana clean manufacturing technology and safe materials institute.

SECTION 6. IC 13-11-2-126, AS AMENDED BY P.L.178-2009, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 126. (a) "Manufacturer", for purposes of IC 13-20-16, means a person who is engaged in the business of making lead acid batteries:

- (1) in Indiana; or
- (2) for sale in Indiana.

(b) "Manufacturer", for purposes of IC 13-27.5, means a manufacturer in Indiana operating under standard industrial classification codes twenty (20) through thirty-nine (39) in the Standard Industrial Classification Manual of the United States Office of Management and Budget.

(c) (b) "Manufacturer", for purposes of sections 179.9, 180.1, 195.7, and 245.4 of this chapter and IC 13-20.5, means a person that:

- (1) manufactures video display devices to be sold under the person's own brand or a brand the person licenses as identified by the person's own brand label or the brand label the person licenses;
- (2) sells video display devices manufactured by others under the person's own brand or a brand the person licenses as identified by



the person's own brand label or the brand label the person licenses; or

(3) assumes the responsibilities and obligations of a manufacturer under IC 13-20.5.

SECTION 7. IC 13-11-2-127 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 127. "Mass balance calculation", for purposes of IC 13-27, ~~and IC 13-27.5~~, means a determination of the annual quantities of each toxic material that is:

- (1) transported to;
- (2) produced at;
- (3) used at;
- (4) accumulated or stored at;
- (5) released from; or
- (6) transported from;

a business or manufacturing facility as a waste or pollutant, as a commercial product or byproduct, in a commercial product or byproduct, or as a component of a commercial product or byproduct, based upon an analysis of each process or operation at the business or manufacturing facility.

SECTION 8. IC 13-11-2-131 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 131. "Multimedia", for purposes of IC 13-27, ~~and IC 13-27.5~~, refers to:

- (1) air;
- (2) water;
- (3) land; and
- (4) workplace environmental;

media into which pollutants and wastes are emitted, released, discharged, or disposed.

SECTION 9. IC 13-11-2-154.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 154.5. "Passenger tire equivalent", for purposes of this chapter and IC 13-20-13, has the meaning set forth in IC 13-20-13-1.**

SECTION 10. IC 13-11-2-172.1, AS ADDED BY P.L.178-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 172.1. "Program year", for purposes of ~~this chapter and IC 13-20.5~~, ~~means the period:~~

- ~~(1) beginning April 1 in a year; and~~
- ~~(2) ending March 31 of the following year.~~

has the meaning set forth in IC 13-20.5-1-1.

SECTION 11. IC 13-11-2-195.7, AS ADDED BY P.L.178-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2012]: Sec. 195.7. (a) "Sale" or "sell", for purposes of sections ~~126(c)~~ **126(b)** and 194(c) of this chapter and IC 13-20.5, means a transfer for consideration of title or of the right to use by a:

- (1) lease or sales contract, including transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means either inside or outside Indiana; and
- (2) person that conducts the transaction and controls the delivery of a video display device to a consumer in Indiana.

(b) The term does not include a manufacturer's or distributor's wholesale transaction with a distributor or retailer.

SECTION 12. IC 13-11-2-233 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 233. "Toxic material", for purposes of IC 13-27, ~~and IC 13-27.5~~, means any of the following:

- (1) A chemical substance in a gaseous, liquid, or solid state that meets the definition of hazardous substance in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601(14)).
- (2) A mixture of substances described in subdivision (1).
- (3) An element, a substance, a compound, or a mixture designated by the commissioner as a toxic or hazardous substance.
- (4) A mixture of substances containing a substance described in subdivision (1).

SECTION 13. IC 13-11-2-246 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 246. "Waste exchange"; for purposes of ~~IC 13-27 and IC 13-27.5~~, means a method of end-of-pipe management of environmental wastes that involves the transfer of environmental wastes between:

- (1) businesses;
- (2) manufacturers; or
- (3) facilities owned by the same business or manufacturer;

for recovery or to serve a productive purpose:

SECTION 14. IC 13-11-2-249.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 249.5. "Waste shifting"; for purposes of ~~IC 13-27.5~~, means the transfer of an environmental waste from one (1) environmental medium to:

- (1) another environmental medium;
- (2) the workplace environment; or
- (3) a product.

SECTION 15. IC 13-11-2-250.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 250.5. "Waste tire processing operation", for purposes of IC 13-20-13 ~~and IC 13-20-14~~, means an operation that processes waste tires by cutting, shredding, or

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grinding. The term does not include a retail operation that cuts or shreds waste tires generated by the retail operation.

SECTION 16. IC 13-11-2-251 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 251. "Waste tire storage site", for purposes of IC 13-20-13 and IC 13-20-14, means:

- (1) a site at which at least one thousand (1,000) **waste tires passenger tire equivalents** are accumulated outdoors or within a structure that is not completely enclosed; or
- (2) a site at which at least two thousand (2,000) **waste tires passenger tire equivalents** are accumulated indoors within a completely enclosed structure.

SECTION 17. IC 13-11-2-252 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 252. "Waste tire transporter", for purposes of IC 13-20-14, means a person who engages in the business of:

- (1) accepting waste tires; ~~from retailers; and~~
- (2) transporting the waste tires to one (1) or more other locations.

SECTION 18. IC 13-14-1-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 1. (a) ~~Subject to subsection (c), the department shall establish a solid and hazardous waste materials exchange to provide for the exchange of information between interested persons concerning the following:~~

- (1) Particular quantities of solid waste and hazardous waste available in Indiana for recovery;
- (2) Persons interested in acquiring certain types of solid waste or hazardous waste for purposes of recovery;
- (3) Methods for the treatment and recovery of solid waste and hazardous waste in Indiana.

(b) The solid and hazardous waste materials exchange created under subsection (a) may be operated under one (1) or more reciprocity agreements allowing for the exchange of information described in subsection (a) for similar information from programs operated in other states.

(c) The department may contract with a private organization for:

- (1) the establishment;
- (2) the operation; or
- (3) both the establishment and the operation;

of the solid and hazardous waste materials exchange.

(d) The solid waste management board may adopt rules under IC 4-22-2 concerning the establishment and operation of the solid and hazardous waste materials exchange.

SECTION 19. IC 13-14-1-16 IS ADDED TO THE INDIANA



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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 16. The clean manufacturing technology board established by IC 13-27.5 (repealed) is abolished. All powers, duties, assets, and liabilities of the clean manufacturing technology board are transferred to the department.**

SECTION 20. IC 13-18-12-2, AS AMENDED BY P.L.159-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A person may not transport, treat, store, or dispose of septage in violation of this chapter.

(b) A person may not engage in:

- (1) the cleaning of sewage disposal systems; or
- (2) the transportation, treatment, storage, or disposal of septage; without a septage management permit unless the person is exempted under section 7 of this chapter.

~~(c) A person may not operate a vehicle for the transportation of septage without a septage management vehicle identification number issued under this chapter.~~

~~(d)~~ (c) A person may not dispose of septage by land application without first obtaining approval of the land application site under this chapter.

~~(e)~~ (d) The department may issue a septage management permit that incorporates issuance of a septage management vehicle identification number and approval of a land application site.

~~(f)~~ (e) The department may issue new and renewal permits identification numbers, and approvals under this chapter for a period the department determines appropriate. However, the period may not exceed three (3) years.

SECTION 21. IC 13-18-12-4, AS AMENDED BY P.L.159-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The board shall, in accordance with ~~IC 13-14-8~~ **IC 13-14-9**, adopt rules to establish the following:

(1) Standards for the following:

(A) The issuance of septage management permits under section 3 of this chapter.

(B) Transportation, storage, and treatment of septage, and disposal of septage, including land application.

~~(2) Issuance of identification numbers for all vehicles used in septage management services.~~

~~(3)~~ (2) Procedures and standards for approval of sites for land application of septage.

(b) The board may designate a county or city health agency as the board's agent to approve land application sites in accordance with rules

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adopted under this section.

SECTION 22. IC 13-18-12-5, AS AMENDED BY P.L.159-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Subject to subsections (b) and (c), the board may adopt a fee schedule for the issuance of:

- (1) septage management permits; **and**
- (2) ~~septage management vehicle identification numbers; and~~
- (3) **(2)** land application site approvals;

under this chapter.

(b) A permit fee may not exceed one hundred dollars (\$100) per year.

(c) A ~~vehicle identification number~~ or land application approval fee may not exceed thirty dollars (\$30) per year per ~~vehicle~~ or site.

(d) Whenever the board designates a county or city health agency as the board's agent to approve land application sites under this chapter, the county or city health agency shall collect and retain the land application approval fee.

SECTION 23. IC 13-18-12-6.5, AS AMENDED BY P.L.114-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. In addition to any other authority in this title, the commissioner or a designated staff member may, under IC 4-21.5, revoke or modify a permit a ~~vehicle identification number~~, or an approval issued under this chapter for any of the following reasons:

- (1) Violation of a requirement of this chapter, rules adopted under this chapter, a permit, ~~an identification number~~, or an approval.
- (2) Failure to disclose all relevant facts.
- (3) A misrepresentation made in obtaining the permit ~~identification number~~, or approval.
- (4) Failing to meet the qualifications for a permit ~~an identification number~~, or an approval or failing to comply with the requirements of the water pollution control laws or rules adopted by the board.
- (5) Changes in circumstances relating to the permit ~~identification number~~, or approval that require either a temporary or permanent reduction in the discharge of contaminants.

SECTION 24. IC 13-18-12-7, AS AMENDED BY P.L.159-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. This chapter does not require a person to obtain a permit ~~or vehicle identification number~~ under this chapter if the person is:

- (1) engaged in:
 - (A) servicing or maintaining publicly owned wastewater treatment facilities; or



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- (B) transportation of wastewater from a publicly owned wastewater treatment facility;
as long as the wastewater at that facility has been fully treated and is stabilized;
- (2) transporting septage from the point of its removal to another location on the same site or tract owned by the same person, although disposal of the septage must be done in accordance with this chapter; or
- (3) a homeowner who cleans and services the sewage disposal system serving only the homeowner's residence, although transportation and disposal of septage, including land application, must be done in compliance with this chapter.

SECTION 25. IC 13-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The goal of the state is to ~~reduce the amount of solid waste incinerated and disposed of in landfills in Indiana by:~~

- ~~(1) thirty-five percent (35%) before January 1, 1996; and~~
- ~~(2) fifty percent (50%) before January 1, 2001;~~

~~through the application and encouragement of solid waste source reduction; recycling; and other alternatives to incineration and landfill disposal.~~ **encourage solid waste source reduction, recycling, and other alternatives to conserve environmental resources. The department shall produce an annual report on the state of the environment.**

SECTION 26. IC 13-20-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The solid waste management board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to regulate the construction and operation of incinerators under IC 13-14-8. The rules must incorporate by reference pertinent rules adopted by the air pollution control board.

SECTION 27. IC 13-20-8-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 2: ~~The rules adopted by the board under this chapter must establish requirements for applications for incinerator permits to be issued under this chapter. The rules must require that an application include the following:~~

- ~~(1) An engineering description of the following:~~
 - ~~(A) The proposed incinerator.~~
 - ~~(B) All related solid waste processing and pollution control equipment.~~
- ~~(2) A description of the operating characteristics of the proposed incinerator.~~
- ~~(3) A narrative comparing the emissions of the proposed~~



incinerator with those of other proven and operating incinerator designs:

(4) A description of control and air monitoring instrumentation for the proposed incinerator:

(5) A description of safety, testing, and maintenance procedures for the proposed incinerator, including:

(A) emergency shutdown if a system malfunctions;

(B) a maintenance schedule; and

(C) emissions testing and reporting.

(6) A pre-operational emissions test plan for the proposed incinerator, including methods of stack sampling and analysis, to establish that the incinerator meets regulatory emission standards.

SECTION 28. IC 13-20-8-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 3: The rules adopted by the board under this chapter concerning the operation of incinerators must require compliance with applicable air pollution control standards and must include the following provisions:

(1) Control levels for acid gas, sulfur dioxide, oxides of nitrogen, hydrocarbons, particulates, and other contaminants for which control levels are established by the air pollution control board or the solid waste management board.

(2) Requirements for the sampling and analysis of incineration residues.

(3) Pre-operational requirements.

(4) Requirements for operational safeguards to ensure exclusion from the incinerator of any hazardous wastes subject to regulation under IC 13-22.

SECTION 29. IC 13-20-8-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 4: The rules concerning the operation of incinerators must allow a reasonable period of time for temporary operation of an incinerator and associated equipment for the following:

(1) Post-construction adjustment and testing.

(2) Performing the pre-operational emissions test required under section 5 of this chapter.

SECTION 30. IC 13-20-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A permit issued under this chapter for the operation of an incinerator must include:

(1) a provision requiring the permit holder to notify the department and appropriate local government officials of:

(A) any release of a contaminant in a quantity exceeding a control level established under section 3 of this chapter; in a permit issued under IC 13-17;

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- (B) any violation of operating requirements established in the permit;
- (C) any unscheduled shutdown of the incinerator or associated equipment; or
- (D) any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level ~~established under section 3 of this chapter~~; **in a permit issued under IC 13-17**; and
- (2) a provision requiring that the notification be given not later than twenty-four (24) hours after the permit holder learns of the release, violation, shutdown, or damage.

SECTION 31. IC 13-20-8-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8: A permit is not required under this chapter for the incineration of a solid waste in an incinerator operated as a hazardous waste facility under IC 13-22 if the permit issued for the incinerator under IC 13-22 authorizes the incineration of the solid waste in the incinerator.~~

SECTION 32. IC 13-20-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) **As used in this chapter, "passenger tire equivalent" means a unit of waste tire material weighing twenty (20) pounds, whether the waste tire material is comprised of one (1) or more whole tires or one (1) or more altered tires.**

(b) The provisions of this chapter concerning waste tire storage site and waste tire processing operation certificates of registration do not apply to the following:

- (1) A facility operated as a **recycling solid waste processing** facility under a valid permit issued by the commissioner.
- ~~(2) A site at which waste tires are stored under a recycling program approved by the commissioner.~~
- ~~(3)~~ **(2)** The site of a facility that is used to retread tires at which fewer than five thousand (5,000) waste tires are present indoors within a completely enclosed structure.
- ~~(4)~~ **(3)** A vehicle or container in which waste tires are stored for less than thirty (30) days.
- ~~(5)~~ **(4)** A vehicle that is properly licensed, capable of legally transporting waste tires, and in which waste tires are completely enclosed.
- (5) A waste tire amnesty day sponsored by a local government.**
- (6) A facility that:**
 - (A) manufactures tires; and**



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(B) keeps five thousand (5,000) or fewer waste tires indoors in an enclosed structure.

SECTION 33. IC 13-20-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A person that obtains a certificate of registration under section 3 of this chapter must do the following:

- (1) Report annually to the department on the following:
 - (A) The number of ~~waste tires~~ **passenger tire equivalents** received at the waste tire storage site or by the waste tire processing operation.
 - (B) The number and manner of disposal of the ~~waste tires~~ **passenger tire equivalents**.
- (2) Maintain contingency plans to protect public health and the environment.
- (3) If the person operates a waste tire storage site, maintain financial assurance acceptable to the department necessary for waste tire removal, in an amount specified in rules adopted by the board under section 11(b)(3) of this chapter.
- (4) Maintain a copy of the certificate of registration at the site.
- (5) Comply with applicable rules and requirements established by the fire prevention and building safety commission for indoor waste tire storage sites.
- (6) Retain a copy of manifests received from a waste tire transporter under IC 13-20-14 for at least one (1) year and make a copy of the manifests available to the department upon request.

SECTION 34. IC 13-20-13-8, AS AMENDED BY P.L.204-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Except as provided in subsection (d)(2), (d)(3), (d)(6), and (d)(7), the waste tire management fund is established for the following purposes:

- (1) The department may use not more than thirty-five percent (35%) of the money deposited in the fund each year for:
 - (A) the removal and disposal of waste tires from sites where the waste tires have been disposed of improperly; and
 - (B) operating the waste tire education program under section 15 of this chapter.
- (2) The department may use the remaining money deposited in the fund each year to:
 - (A) provide grants and loans under section 9(b) of this chapter to entities involved in waste tire management activities; and
 - (B) pay the expenses of administering the programs described in:

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- (i) subdivision (1)(B); and
- (ii) clause (A).

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) Sources of money for the fund are the following:

(1) Fees paid under section 4(a)(6) of this chapter and ~~IC 13-20-14-5(c)~~. **IC 13-20-14-5(c).**

(2) Fees collected under section 7 of this chapter. All money deposited in the fund under this subdivision may be used by the department for waste reduction, recycling, removal, or remediation projects.

(3) Costs and damages recovered from a person or other entity under section 14 of this chapter or IC 13-20-14-8. All money deposited in the fund under this subdivision may be used by the department for removal and remediation projects.

(4) Fees established by the general assembly for the purposes of this chapter.

(5) Appropriations made by the general assembly.

(6) Gifts and donations intended for deposit in the fund. A gift or donation deposited in the fund under this subdivision may be specified to be entirely for the use of the department.

(7) Civil penalties collected under IC 13-30-4 for violations of:

(A) this chapter;

(B) IC 13-20-14; and

(C) rules adopted under section 11 of this chapter and IC 13-20-14-6.

All money deposited in the fund under this subdivision may be used by the department for eligible projects.

SECTION 35. IC 13-20-13-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. ~~A waste tire that is stored at a facility that:~~

~~(1) does not process waste tires; or~~

~~(2) processes waste tires by cutting or shredding the waste tires; is not solid waste if the facility is registered under this chapter and the waste tires are stored in accordance with this chapter and rules adopted under this chapter. A person that obtains a certificate of registration under this chapter is not required to obtain a solid waste processing facility permit referred to in section 1 of this chapter:~~

~~(1) for activities covered under the registration, including the:~~

~~(A) baling;~~



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- (B) transferring;
 - (C) cutting; or
 - (D) shredding;
- of waste tires; or
- (2) if the person stores or processes waste tires in a facility in accordance with this chapter and the rules adopted under this chapter.

SECTION 36. IC 13-20-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A source of waste tires shall dispose of waste tires in the source's possession by one (1) or more of the following means:

- (1) Delivery to a wholesaler or to an agent of a wholesaler.
- (2) Delivery to a manufacturer of tires.
- (3) Delivery to a facility that **retreads tires**.
 - ~~(A) recycles tires; or~~
 - ~~(B) collects tires for delivery to a recycling facility.~~
- (4) Delivery to a permitted final disposal facility regulated under environmental management laws.
- (5) Delivery to a **registered** waste tire storage site.
- (6) Delivery to a facility ~~operated as a registered~~ waste tire cutting facility under a permit issued by the commissioner **processing operation**.
- (7) ~~Delivery to Collection by~~ a registered waste tire transporter. ~~or a person who operates a municipal waste collection and transportation vehicle licensed under IC 13-20-4.~~

(b) A person referred to in subsection (a) is not required to accept waste tires from a source of waste tires.

SECTION 37. IC 13-20-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. ~~(a) This section does not apply to a person who operates a municipal waste collection and transportation vehicle licensed under IC 13-20-4.~~

~~(b)~~ (a) A person may not act as a waste tire transporter, **as defined in IC 13-11-2-252**, unless the person is registered with the department as a waste tire transporter. To apply for a certificate of registration as a waste tire transporter, a person must submit the following to the department:

- (1) The person's name.
- (2) The address of the person's principal office.
- (3) The addresses of any offices maintained by the person in Indiana.
- (4) Evidence of financial assurance, maintained in accordance with rules adopted under section 6 of this chapter, in the amount



of at least ten thousand dollars (\$10,000). The financial assurance must be in the form of:

- (A) a bond for performance, executed by a corporate surety licensed to do business in Indiana;
- (B) a negotiable certificate of deposit; or
- (C) a negotiable letter of credit;

payable to the department and conditional upon faithful performance of the requirements of this chapter and the registration.

~~(e)~~ **(b)** The rules adopted under section 6 of this chapter must adopt a manifest form and require a waste tire transporter to prepare and carry a manifest based upon that form each time a waste tire transporter transports waste tires. The format and wording of the form must require a waste tire transporter to enter information in each manifest indicating the source and number of waste tires to be transported and the destination to which the waste tires are transported.

~~(d)~~ ~~Until the rules prescribing a manifest form are adopted under subsection (e), a waste tire transporter may use a manifest form designed by the waste tire transporter. A form designed and used under this subsection must meet the format and wording requirements set forth in subsection (e).~~

~~(e)~~ **(c)** A person who acts as a waste tire transporter in Indiana shall pay an annual registration fee of twenty-five dollars (\$25) that shall be deposited in the waste tire management fund and appropriated to the department for the department's use in providing for the removal and disposal of waste tires from sites where the waste tires have been disposed of improperly.

~~(f)~~ **(d)** A waste tire transporter shall do the following:

- (1) Retain a copy of a manifest described under this section for at least one (1) year.
- (2) Make a copy of a manifest described under this section available to the department upon request.
- (3) Report annually to the department the number of ~~waste tires~~ **passenger tire equivalents** transported by the waste tire transporter.
- (4) Maintain financial assurance acceptable to the department in accordance with subsection ~~(b)(4)~~ **(a)(4)**.

~~(g)~~ **(e)** The commissioner may include in a certificate of registration issued under this chapter conditions that ensure compliance with:

- (1) this chapter; and
 - (2) rules adopted by the board under this chapter;
- including a compliance schedule.

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~~(h)~~ **(f)** The department may deny an application to register under this chapter if:

- (1) the application is incomplete;
- (2) the applicant has failed to comply with the requirements of:
 - (A) this chapter;
 - (B) IC 13-20-13; or
 - (C) a rule adopted by the board under section 6 of this chapter or under IC 13-20-13-11; or
- (3) an enforcement action is pending against the applicant.

SECTION 38. IC 13-20-14-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.3. A person that is the source of more than twelve (12) waste tires per year, **or the equivalent in passenger tire equivalents**, including tire retailers, auto salvagers, and sellers of used tires, shall:

- (1) retain a copy of manifests received from a waste tire transporter under section 5 of this chapter for at least one (1) year; and
- (2) make a copy of the manifests available to the department upon request.

SECTION 39. IC 13-20-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The solid waste management board shall adopt rules under IC 4-22-2 and ~~IC 13-14-8~~ **IC 13-14-9** to implement this chapter.

SECTION 40. IC 13-20-17.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) ~~The department, and districts in cooperation and with the support of the department,~~ shall implement ~~education~~ **educational** programs to provide information to the public concerning:

- (1) the reuse and recycling of mercury in:
 - (A) mercury commodities; and
 - (B) mercury-added products; and
- (2) collection programs available to the public for:
 - (A) mercury commodities; and
 - (B) mercury-added products.

(b) The department, with assistance from districts and other appropriate persons, shall develop and provide districts with a curriculum model that includes educational core principles concerning the reuse, recycling, and collection of mercury. The districts shall implement educational programs that meet the minimum standards established by the department in the curriculum model.

~~(b)~~ **(c)** Units, in cooperation and with the support of the department,

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may implement ~~education~~ **educational** programs to provide information to the public concerning:

- (1) the reuse and recycling of mercury in:
 - (A) mercury commodities; and
 - (B) mercury-added products; and
- (2) collection programs available to the public for:
 - (A) mercury commodities; and
 - (B) mercury-added products.

SECTION 41. IC 13-20.5-1-1, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) **"Program year", for purposes of this chapter, means a calendar year.**

(b) A manufacturer of video display devices sold or offered for sale to households as of January 1, 2010, shall submit a registration to the department not later than:

- (1) April 1, 2010, for the program year that begins on April 1, 2010; and
- (2) each immediately succeeding ~~April~~ **January 1** on which the manufacturer continues as a manufacturer of video display devices sold or offered for sale to households for the program year that begins on that ~~April~~ **January 1**.

~~(b)~~ **(c)** A manufacturer that begins to sell or offer for sale video display devices to households after 2009 and before April 1, 2010, shall submit a registration to the department not later than:

- (1) April 20, 2010, for the program year that begins on April 1, 2010; and
- (2) each immediately succeeding ~~April~~ **January 1** on which the manufacturer continues as a manufacturer of video display devices sold or offered for sale to households for the program year that begins on that ~~April~~ **January 1**.

~~(c)~~ **(d)** A manufacturer that begins to sell or offer for sale video display devices to households after March 31, 2010, shall submit a registration to the department not later than:

- (1) twenty (20) days after the date the manufacturer begins to sell or offer for sale the video display devices for the program year in which the manufacturer begins to sell or offer for sale the video display devices; and
- (2) each immediately succeeding ~~April~~ **January 1** on which the manufacturer continues as a manufacturer of video display devices sold or offered for sale to households for the program year that begins on that ~~April~~ **January 1**.

~~(d)~~ **(e)** A registration submitted under this section must include the

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following:

- (1) A list of the brands of video display devices offered for sale in Indiana by the manufacturer, regardless of whether the manufacturer owns or licenses the brand.
- (2) The name, address, and contact information of a person responsible for ensuring compliance with this article. The department shall post the contact information provided by each manufacturer on an Internet web site.
- (3) A certification that the manufacturer or the manufacturer's agent has complied and will continue to comply with the requirements of this article.
- (4) An estimate based on national sales data of the total weight in pounds of the manufacturer's video display devices sold to households during the most recent twelve (12) months:
 - (A) that precede the date of registration; and
 - (B) for which that data is available.
- (5) A demonstration of how the manufacturer plans in the program year for which the registration is submitted to meet the recycling goal stated in IC 13-20.5-4-1.
- (6) A statement that discloses whether:
 - (A) any video display devices sold by the manufacturer to households exceed the maximum concentration values established:
 - (i) for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (pbbs), and polybrominated diphenyl ethers (pbdes); and
 - (ii) under the directive restricting the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive) 2002/95/EC of the European Parliament and Council, as amended; or
 - (B) the manufacturer has received an exemption from any of the maximum concentration values under the RoHS Directive that has been approved and published by the European Commission.
- ~~(e)~~ **(f)** A manufacturer shall update the manufacturer's registration under this section not more than ten (10) days after the date the manufacturer changes the brand or brands of video display devices the manufacturer sells or offers for sale to households.

SECTION 42. IC 13-20.5-1-4, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) After 2009, a person may not operate as a collector of covered electronic devices from covered entities unless the

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person:

- (1) has submitted to the department a completed registration form as required by 329 IAC 16-5-1; and
- (2) otherwise complies with 329 IAC 16.
- (b) A registration submitted under this section: ~~is:~~
 - (1) **is** effective upon receipt by the department; and
 - (2) ~~valid for one (1) year from the date the registration is submitted to the department.~~ **must be submitted not later than November 1 for the next program year.**

SECTION 43. IC 13-20.5-1-5, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) After 2009, a person may not recycle covered electronic devices generated by covered entities unless the person:

- (1) has submitted to the department a completed registration form as required by 329 IAC 16-5-1; and
- (2) otherwise complies with 329 IAC 16.
- (b) A registered recycler may conduct recycling activities that are consistent with this article.
- (c) A registration submitted under this section: ~~is:~~
 - (1) **is** effective upon receipt by the department; and
 - (2) ~~valid for one (1) year from the date the registration is submitted to the department.~~ **must be submitted not later than November 1 for the next program year.**

SECTION 44. IC 13-20.5-2-1, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (g), a manufacturer that registers under IC 13-20.5-1 shall pay to the department at the time of registration an annual registration fee. The registration fee applies for the program year for which the registration is submitted to the department. The department shall deposit the fee in the electronic waste fund established by section 3 of this chapter.

(b) The registration fee for the initial program year to which the fee applies under subsection (a) is five thousand dollars (\$5,000). For each program year thereafter, the registration fee is equal to two thousand five hundred dollars (\$2,500).

(c) In addition to the registration fee under subsection (a), a manufacturer that registers under IC 13-20.5-1 and fails to meet the recycling goal under IC 13-20.5-4-1 is subject to a variable recycling fee for each program year that ends on March 31 of 2013 or **December 31** of a later year. Not later than September 1, the department shall provide a statement to each manufacturer liable for the variable



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recycling fee that states at least the following:

- (1) The amount of the fee determined under subsection (d).
- (2) The method of calculation of the fee.
- (3) The due date of the fee.
- (4) The opportunity to petition under section 2 of this chapter.

The department shall deposit the fee in the Indiana recycling promotion and assistance fund established by IC 4-23-5.5-14.

(d) The amount of the variable recycling fee, if applicable, is the amount determined in STEP FOUR of the following formula:

STEP ONE: Multiply the number of pounds of the manufacturer's video display devices sold to households during the immediately preceding program year, as reported in the manufacturer's registration for the program year under ~~IC 13-20.5-1-1(d)(4)~~, **IC 13-20.5-1-1(e)(4)**, by the proportion of sales of video display devices required to be recycled under IC 13-20.5-4-1.

STEP TWO: Subject to subsection (e), add the number of pounds of covered electronic devices recycled by the manufacturer from covered entities during the immediately preceding program year, as reported to the department under IC 13-20.5-3-1(b), to the number of recycling credits the manufacturer elects to use to calculate the variable recycling fee, as reported to the department under IC 13-20.5-3-1(c)(2).

STEP THREE: Subtract the number of pounds determined in STEP TWO from the number of pounds determined in STEP ONE.

STEP FOUR: Multiply the greater of zero (0) or the number of pounds determined in STEP THREE by the per pound cost of recycling established as follows:

(A) Forty cents (\$0.40) per pound for manufacturers that recycle less than fifty percent (50%) of the number of pounds determined in STEP ONE.

(B) Thirty cents (\$0.30) per pound for manufacturers that recycle at least fifty percent (50%) but less than ninety percent (90%) of the number of pounds determined in STEP ONE.

(C) Twenty cents (\$0.20) per pound for manufacturers that recycle at least ninety percent (90%) of the number of pounds determined in STEP ONE.

(e) The following apply to the number of pounds of covered electronic devices recycled by the manufacturer from covered entities during the immediately preceding program year for purposes of subsection (d), STEP TWO:

- (1) Except as provided in subdivision (3), the number is

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multiplied by one and one-tenth (1.1) to the extent that the covered electronic devices were recycled in Indiana.

(2) Except as provided in subdivision (3), the number is multiplied by one and five-tenths (1.5) to the extent that the covered electronic devices were recycled from covered entities not located in a metropolitan statistical area, as defined by the federal Office of Management and Budget.

(3) The number is multiplied by one and six-tenths (1.6) to the extent that the covered electronic devices were:

(A) recycled from covered entities not located in a metropolitan statistical area, as defined by the federal Office of Management and Budget; and

(B) recycled in Indiana.

(f) A manufacturer may retain recycling credits to be added, in whole or in part, to the actual number of pounds of covered electronic devices recycled by the manufacturer from covered entities during the immediately preceding program year, as reported to the department under IC 13-20.5-3-1(b), during any of the three (3) immediately succeeding program years. A manufacturer may sell all or any part of its recycling credits to another manufacturer, at a price negotiated by the parties, and the other manufacturer may use the credits in the same manner. For purposes of this subsection, the recycling credits for the program year that begins April 1, 2010, are determined taking into account covered electronic devices that the manufacturer recycled, or arranged to have collected and recycled, both:

(1) in that program year; and

(2) after June 30, 2009, and before April 1, 2010.

(g) A manufacturer may not be charged a registration fee or a variable recycling fee for any year in which the combined number of video display devices produced by the manufacturer for sale to households is less than one hundred (100).

SECTION 45. IC 13-20.5-3-1, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Not later than June 1 of 2011 and of each immediately succeeding year, a manufacturer shall report to the department an estimate of the total weight in pounds of its video display devices sold to households during the program year that ends on the immediately preceding ~~March~~ **December** 31 based on national sales data. A manufacturer shall submit with an estimate under this subsection a description of how the information or estimate was calculated.

(b) Not later than June 1 of 2011 and of each immediately

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succeeding year, a manufacturer shall report to the department the total weight in pounds of covered electronic devices the manufacturer:

- (1) collected from eligible entities and recycled; or
 - (2) arranged to have collected from eligible entities and recycled;
- during the program year that ends on the immediately preceding ~~March~~ **December 31**.

(c) Not later than June 1 of 2011 and of each immediately succeeding year, a manufacturer shall report the following to the department:

- (1) The number of recycling credits the manufacturer has purchased and sold during the program year that ends on the immediately preceding ~~March~~ **December 31**.
- (2) The number of recycling credits possessed by the manufacturer that the manufacturer intends to use in the calculation of its variable recycling fee under IC 13-20.5-2-1.
- (3) The number of recycling credits the manufacturer retains at the beginning of the current program year.
- (4) The amount in pounds of covered electronic devices the manufacturer arranged for a recycler to collect and recycle that were not converted to recycling credits.

SECTION 46. IC 13-20.5-3-2, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Before April 1, 2011, and ~~before~~ **not later than** each April 1 thereafter, a recycler of covered electronic devices shall do the following:

- (1) Report to the department separately the total weight in pounds of covered electronic devices:
 - (A) recycled by the recycler; and
 - (B) taken by the recycler for final disposal;
 during the immediately preceding calendar year.
- (2) Submit to the department a list of all collectors from whom the recycler received covered electronic devices.**
- ~~(2)~~ **(3)** Certify that the recycler has complied with IC 13-20.5-5 and 329 IAC 16.

SECTION 47. IC 13-20.5-3-3, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Before April 1, 2011, and ~~before~~ **not later than** each April 1 thereafter, a collector shall submit to the department a report that contains for the immediately preceding calendar year:

- (1) the total weight in pounds of covered electronic devices collected in Indiana by the collector; and
- (2) a list of all recyclers to whom the collector delivered covered



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electronic devices.

SECTION 48. IC 13-20.5-4-1, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A manufacturer shall in each of the manufacturer's program years recycle or arrange for the collection and recycling from covered entities of an amount of covered electronic devices equal to at least sixty percent (60%) of the total weight of the manufacturer's video display devices sold to households as reported in the manufacturer's registration for the program year under ~~IC 13-20.5-1-1(d)(4)~~. **IC 13-20.5-1-1(e)(4).**

SECTION 49. IC 13-20.5-7-10, AS ADDED BY P.L.159-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. **(a)** Solid waste management districts shall conduct educational programs ~~under IC 13-21-3-12~~ to provide information to the public concerning:

- (1) reuse and recycling of electronic waste;
- (2) collection programs available to the public for the disposal of electronic waste; and
- (3) proper disposal of electronic waste.

(b) The department, with assistance from solid waste management districts and other appropriate persons, shall provide solid waste management districts with a curriculum model that includes educational core principles concerning the reuse, recycling, collection, and proper disposal of solid waste. Solid waste management districts shall implement educational programs that meet the minimum standards established by the department in the curriculum model.

SECTION 50. IC 13-21-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a) In 2015 and every fifth year thereafter, the legislative council shall require an interim study committee or a statutory study committee to:**

- (1) assess solid waste management districts; and**
- (2) determine whether any changes should be made to the statutes governing solid waste management districts.**

(b) An interim study committee or a statutory study committee that assesses solid waste management districts under subsection (a) shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the committee's findings and recommendations, including any recommended legislation, not later than November 1 of the year in which an assessment is conducted.



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SECTION 51. IC 13-21-3-12, AS AMENDED BY P.L.159-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
- (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
- (4) The power to sue and be sued.
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:
 - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
 - (B) The managing or disposal of solid waste.
 - (C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
- (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.
- (9) The power to sell or lease any facility or part of a facility to any person.
- (10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.
- (11) The power to enter upon property to make surveys, soundings, borings, and examinations.
- (12) The power to:
 - (A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and
 - (B) comply with the terms of the gift, grant, or loan.



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(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement

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under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) The power to pay a fee from district money to:

- (A) in a joint district, the county or counties in which a final disposal facility is located; or
- (B) a county that:
 - (i) was part of a joint district;
 - (ii) has withdrawn from the joint district as of January 1, 2008; and
 - (iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines

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by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

(A) the district's solid waste management plan; and

(B) the objectives of minimum educational standards established by the department of environmental management.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

(i) mercury commodities; and

(ii) mercury-added products; and

(B) collection programs available to the public for:

(i) mercury commodities; and

(ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

(A) reuse and recycling of electronic waste;

(B) collection programs available to the public for the disposal of electronic waste; and

(C) proper disposal of electronic waste.

SECTION 52. IC 13-21-3-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) ~~This section does not apply to the following:~~

~~(1) A nonreverting capital fund established under section 12(24) of this chapter.~~

~~(2) A fund established under IC 13-21-7-8.~~

~~(3) The waste management district bond fund established under IC 13-21-7-10.~~

~~(4) A fund established to secure the payment of principal and interest under IC 13-21-12-1(12).~~

(b) At the end of each year the district shall prepare, on a form designed by the department of local government finance, a report that is accessible through the computer gateway administered by the office of technology established by IC 4-13.1-2-1 and that

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provides the following information:

- (1) For each fund that contains district money:
 - (A) the cash balance at the end of the year;
 - (B) a list of all encumbrances on the fund that the district is legally obligated to pay;
 - (C) a copy of documentation that supports each encumbrance listed in clause (B);
 - (D) the fund balance obtained by subtracting the amount under clause (B) from the amount under clause (A); ~~and~~
 - (E) the total expenditures from the fund for the year; **and**
 - (F) any other financial information required by the department.**
 - (2) The total of all fund balances calculated under subdivision (1)(D).
 - (3) The total of all fund expenditures reported under subdivision (1)(E).
 - (4) Any programmatic information required by the department.**
 - (5) The total amount of expenditures by the district for the year.**
 - (6) The per capita expenditures by the district for the year.**
 - (7) The amount of expenditures by the district for the year for personnel costs.**
 - (8) The amount of expenditures by the district for the year for program costs (excluding personnel costs).**
 - (9) The total amount of solid waste (in tons) disposed of in the district for the year for which the district is directly responsible.**
 - (10) The total amount of recycling (in tons) carried out in the district in the year for which the district is directly responsible.**
 - ~~(e)~~ **(b)** The district shall provide the report ~~developed~~ **prepared** under subsection ~~(b)~~ **(a)**:
 - (1) to the department and to the department of local government finance in a format prescribed by the department; and the environmental quality service**
 - (2) to the legislative council in an electronic format under IC 5-14-6;**
- by February 1 of the year following the year for which the report is made.
- (c) The district shall publish the annual report prepared under subsection (a) on an Internet web site maintained by the district or**

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on the Internet web sites maintained by the counties that are members of the district.

SECTION 53. IC 13-25-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) In response to an inquiry from a person in connection with this chapter, the department shall provide information that is in the department's possession concerning whether a property meets any of the descriptions set forth in IC 13-11-2-174 **or IC 13-11-2-193.5.**

(b) Neither:

- (1) the state;
- (2) the department; nor
- (3) an employee of the department who answers an inquiry under this section;

is liable in a civil action on the grounds that information provided under this section was incomplete or erroneous.

SECTION 54. IC 13-25-3-7.5, AS ADDED BY P.L.15-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.5. The department shall prescribe the form of a disclosure document to be completed and delivered by a transferor of property under this chapter. The form must elicit at least the following information:

- (1) Property identification, including address, legal description, and property characteristics.
- (2) The nature of the transfer, including identities of the transferor and transferee.
- (3) Environmental information, including:
 - (A) regulatory information during the transferor's ownership; **and**
 - (B) site information under other ownership or operation;
 - (C) any environmental defects; and**
 - (D) any existing restrictive covenants, as defined in IC 13-11-2-193.5.**
- (4) Certification by the transferor that the information submitted on the disclosure document is true and accurate to the best of the transferor's knowledge and belief.
- (5) Certification by the transferee that the disclosure document was delivered with all elements completed.

SECTION 55. IC 13-27-2-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 8: ~~The commissioner and the clean manufacturing technology board established by IC 13-27-5-1 shall coordinate their efforts in the implementation of the grants program under IC 13-27-2-10 and the pilot projects under IC 13-27-2-11.~~



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SECTION 56. IC 13-27-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The commissioner may award grants to support and sustain pollution prevention, including clean manufacturing through reductions in the use of toxic materials in production and commerce.

(b) Subject to subsection (a), the commissioner may award grants for any purpose the commissioner considers appropriate, including the following:

(1) Grants to nonprofit organizations to establish free or low cost technical assistance programs. ~~to supplement the activities of the Indiana clean manufacturing and safe materials institute established under IC 13-27.5-2.~~

(2) Grants to assist:

- (A) trade associations that represent manufacturers;
- (B) business organizations;
- (C) labor organizations; and
- (D) educational institutions;

in developing training materials and making those training materials available to workers for in-plant use that will foster clean manufacturing.

(3) Grants to assist:

- (A) industry;
- (B) business organizations;
- (C) educational institutions;
- (D) labor organizations; and
- (E) local units of government;

in establishing programs or materials to train and assist personnel in developing methods to measure and plan for pollution prevention.

(4) Grants to assist industry or business organizations, local units of government, and educational institutions in creating programs to train and certify:

- (A) environmental auditors;
- (B) engineers; and
- (C) industrial hygienists;

to identify, evaluate, and implement pollution prevention measures and alternatives in audits, plans, and programs.

(5) Grants to any organization for generic research and development, pilot tests, and demonstration projects that:

- (A) involve commonly used manufacturing processes or materials; and
- (B) will produce results that will be of use to manufacturers

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other than manufacturers that may be involved in the research and development, pilot tests, or demonstration projects.

(c) The commissioner may require that a grantee provide matching money for a grant awarded under this section.

(d) Grant money awarded under this section may not be spent for capital improvements or equipment.

(e) The money for grants awarded under this section must come from money appropriated to the department for the purposes of this section.

~~(f) The commissioner shall consult with the Indiana clean manufacturing and safe materials institute established by IC 13-27.5-2 in the implementation of this section.~~

SECTION 57. IC 13-27-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. ~~(a)~~ The division shall sponsor pilot projects to develop and demonstrate innovative techniques for clean manufacturing. The results of pilot projects sponsored under this section shall be made available for use by the public. However, information about a pilot project that is considered proprietary by a manufacturer involved in the pilot project may not be disclosed to the public.

~~(b) The division shall consult with the Indiana clean manufacturing and safe materials institute established by IC 13-27.5-2 in the implementation of this section.~~

SECTION 58. IC 13-27-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Guidance documents, technical assistance manuals, and policies developed or used in implementing programs under this article are not binding on participating businesses.

(b) Subject to subsection (e), the air pollution control board, the water pollution control board, the solid waste management board, or the department may not do the following:

(1) Subject to IC 13-14-1-11.5, incorporate documents, manuals, or policies developed under this article into rules adopted under IC 4-22-2.

(2) Adopt rules under IC 4-22-2 requiring business implementation of pollution prevention practices or of clean manufacturing by means of any of the following:

(A) Permit conditions.

(B) Enforcement actions.

(C) Other department actions.

(c) Subsection (b) only applies to pollution prevention as defined in this title.

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(d) Subsection (b) does not apply to authority granted under federal law to implement pollution prevention as defined under any of the following:

- (1) Federally delegated air, water, solid waste, and other programs.
- (2) Guidance documents developed to implement programs described in subdivision (1).
- (3) Programs established under IC 13-20-3, IC 13-20-22, or IC 13-21.

(e) The department shall ~~do the following~~:

(+) present pollution prevention as an option to businesses in any of the following:

- (A) (1) Permit conditions.
- (B) (2) Enforcement actions.
- (C) (3) Other department actions.

(2) ~~Direct manufacturers to the clean manufacturing technology and safe materials institute for technical assistance in clean manufacturing.~~

SECTION 59. IC 13-27.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Clean Manufacturing Technology and Safe Materials).

SECTION 60. [EFFECTIVE UPON PASSAGE] (a) **The commission on state tax and financing policy established under IC 2-5-3 shall, during the interim in 2012 between sessions of the general assembly, study issues related to the financing of solid waste management districts, including:**

- (1) property tax levies allowed under IC 13-21 and related statutes under IC 6-1.1;
- (2) district final disposal fees set forth in IC 13-21-13;
- (3) district solid waste management fees set forth in IC 13-21-14; and
- (4) any other funding sources that are available to and used by districts.

(b) **The environmental quality service council established under IC 13-13-7-1 shall, during the interim in 2012 between sessions of the general assembly, study issues concerning the powers of solid waste management districts to:**

- (1) establish and issue permits; and
- (2) impose and collect fees;

that are not specifically authorized by a statute.

(c) **This SECTION expires January 1, 2013.**

SECTION 61. **An emergency is declared for this act.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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